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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,220	07/25/2003	Timothy E. Jedlicka	LUTZ 2 00219	2440
7590	03/16/2006		EXAMINER	
Richard J. Minnich Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			TRAN, QUOC DUC	
			ART UNIT	PAPER NUMBER
			2643	
DATE MAILED: 03/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/627,220	JEDLICKA, TIMOTHY E.
	Examiner	Art Unit
	Quoc D. Tran	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al (5,825,769) in view of Siegel (6,766,277).

Consider claim 1, 10. O'Reilly teaches a system for detecting an atypical occurrence (traffic events, column(s) 6, line(s) 15-38) within a given region in telecommunications network (column(s) 5, line(s) 24-33, the NPA is the first 3 digits of a 10-digit telephone number that specify a geographical area), comprising means for assigning a given weight (column(s) 8, line(s) 60 through column(s) 9, line(s) 60) to each of a plurality of destination addresses (800/900 numbers) within the region according to the weighting system; means for collecting call data for the region for a given period of time (column(s) 5, line(s) 4-23), the call data including calls made to said destination addresses (800/900 numbers) and corresponding call occurrence times (column(s) 5, line(s) 24-33; column(s) 15, line(s) 5-35); and means for developing a weighted call traffic pattern based upon the call data (see the entire abstract; column(s) 6, line(s) 15-38; column(s) 10, line(s) 1-57).

O'Reilly does not teach means for using the weighted call traffic pattern to detect an atypical occurrence within the region.

Siegel teaches a system for detecting an atypical occurrence (health crisis, for instance) within a given region (column(s) 5, line(s) 24-40), comprising means for assigning a given weight (column(s) 5, line(s) 13-23) to each of a plurality of destination addresses (column(s) 5, line(s) 13-23; column(s) 6, line(s) 45 through column(s) 7, line(s) 62) within the region according to the weighting system; means for collecting data for the region for a given period of time (column(s) 5, line(s) 13-40), the data including destination addresses (doctor or hospital; column(s) 5, line(s) 13-40; column(s) 6, line(s) 45 through column(s) 7, line(s) 62) and corresponding occurrence times (column(s) 8, line(s) 14-30; column(s) 9, line(s) 5-24); and means for developing a weighted pattern based upon the data (column(s) 9, line(s) 40 through column(s) 10, line(s) 8); and means for using the weighted pattern to detect an atypical occurrence within the region (see the entire abstract; column(s) 5, line(s) 13 through column(s) 6, line(s) 17) for the purpose of providing an early warning network that operates against a broad class of public health threats, such as bio-terrorism, accidental biological events, and/or naturally occurring diseases (column(s) 5, line(s) 13-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Siegel into the teachings of O'Reilly for the purpose mentioned above.

Consider claims 2, 11. The region comprising a community and the atypical occurrence is a public health crisis, the public health crisis comprising bioterrorist attacks or epidemics (Siegel, column(s) 5, line(s) 13-23).

Consider claims 3, 12. The destination addresses comprise telephone numbers (800/900 numbers as taught by O'Reilly).

Consider claims 4, 13. The weighting system includes giving more weight to telephone numbers associated with medical-related locations, pharmacies schools and workplaces than to other telephone numbers (column(s) 5, line(s) 13-23 as disclosed by Siegel).

Consider claims 5, 14. The call data comprises call detail records (O'Reilly, see the entire abstract; column(s) 6, line(s) 15-38; column(s) 10, line(s) 1-57).

Consider claims 6, 15. O'Reilly, column(s) 3, line(s) 12-25 and Siegel, column(s) 9, line(s) 40-60 read on the limitation sending the weighted destination addresses to a special database.

Consider claims 7, 16. Siegel, the entire abstract and column(s) 5, line(s) 24-40 read on the triggers (event triggers as taught by Siegel).

Consider claims 8, 17. Siegel, column(s) 5, line(s) 13-23 reads on the plurality of destination addresses (hospital, doctor, drug stores or pharmacies).

3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al (5,825,769) in view of Siegel (6,766,277) as applied to claims 1 and 10 above, and further in view of Nolting (6,282,267).

Consider claims 9, 18. O'Reilly in view of Siegel does not teach the use of IAM. However, Nolting teaches the use of IAM (see fig(s) 5-6; column(s) 7, line(s) 31 through column(s) 8, line(s) 52; column(s) 11, line(s) 50-61) for the purpose of studying the number of calls to particular numbers during various time periods and the hold time of the calls in order to identify the numbers of Internet Service Providers (ISPs). Another example would involve a situation where traffic analysis may indicate the amount of traffic between two end offices and the percentage thereof routed through a tandem office, to allow network planners to design trunk

upgrades between the various offices and/or to plan the addition of new offices (column(s) 5, line(s) 3-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nolting into the teachings of O'Reilly in view of Siegel for the purpose mentioned above.

Response to Arguments

4. Applicant's arguments filed 1/5/2006 have been fully considered but they are not persuasive.

Regarding applicant arguments on pages 5-7 that neither O'Reilly nor Siegel alone or in combination suggest of assigning weight to telephone numbers (destination addresses).

Accordingly, the examiner respectfully disagrees with applicant arguments. Both O'Reilly and Siegel disclosed of collecting "data" for generating statistic thereof. As well understood and defined that "weight" as used in statistics is "a factor assigned to a number in a computation, as in determining an average, to make the number's effect on the computation reflect its importance. As clearly disclosed in O'Reilly (columns 8-10) that the MTS generate statistical data for each of the 800 or 900 numbers. Thus, O'Reilly must assigned weight to the statistic reports in order to compute at least the call "ratio". Therefore, O'Reilly clearly suggested applicant limitation as presented in the claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Facsimile responses should be faxed to:
(571) 273-8300
Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER

AU 2643
March 16, 2005